

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

C. DAVID SNYDER,	:	Case No. 1:06CV1844
	:	
Plaintiff,	:	JUDGE KATHLEEN O'MALLEY
	:	
v.	:	
	:	<u>ORDER</u>
ALL-PAK, <i>et al.</i>,	:	
	:	
Defendants.	:	

Pursuant to this Court's previous Order (Doc. 11), the Defendants have provided the Court with an affidavit and supporting records reflecting the fees and expenses incurred during the preparation of Defendants' *Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted Or, in the Alternative, for Lack of Personal Jurisdiction* (Doc. 3) and *Motion for Sanctions* (Doc. 6). Plaintiff's counsel has not objected to, or otherwise responded to, the Defendants' affidavit.

Defendants' affidavit seeks reimbursement of \$3,516.77 in fees and expenses incurred during the litigation of this matter. The Court has examined the supporting documents and determined that the fees are reasonable. The Court is mindful that a sanction under Federal Rule of Civil Procedure 11 should be limited to an amount sufficient to deter the repetition of the sanctionable conduct. Plaintiff's counsel's complete failure to respond to Defendants' motion for sanctions, despite requesting – and receiving – two extensions of time to do so, and his subsequent failure to object or

respond to Defendants' request for fees, however, further illuminates his demonstrated lack of respect for the judicial process. The Court, therefore, finds that the circumstances present in this case justify a sanction in the full amount of Defendants' attorneys' fees and costs. Accordingly, the Court finds that a sanction in the amount of \$3,516.77 is appropriate.

For the foregoing reasons, a **SANCTION** of \$3,516.77 is hereby **IMPOSED** upon Plaintiff's counsel for the violations of Rule 11 discussed in the Court's previous Order. Within ten (10) days of the date of this Order Plaintiff's counsel shall remit to counsel for the defendants a check in the amount of \$3,516.77.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: January 24, 2007